

# CALFRESH (CF) PROGRAM

## REQUEST FOR POLICY/REGULATION INTERPRETATION

**INSTRUCTIONS:** Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:		2/9/2017	2/23/17
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION:	
3. PHONE NO.:		San Joaquin County Human Services Agency	
4. REGULATION CITE(S):		7. SUBJECT:	
63-502.2(p)(6); 63-502.144; 63-502.122		Child Support Arrears	
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references)	
CF HH consists of mom, 1 minor child, and a 19 yr old. Mother receives a \$50 monthly disregard from the LCSA and \$81 monthly in arrears for both children. The CF HH had not been on aid during the months that the child support is owed. The arrears is large and the monthly payment is reasonable anticipated to continue.		NOTE: All requests must have a regulation cite(s) and/or a reference(s).	
How is the child support arrears treated when collected and distributed in the current month, the CF HH is on aid and it is reasonably anticipated to continue?		ACL 97-44	

### 10. REQUESTOR'S PROPOSED ANSWER:

Child Support (including arrears), not a 1 time lump sum, if reasonably anticipated is unearned income.

--Client argues that 63-502.2(p)(6) state arrearages shall be excluded from being counted as income. CWD contests because 63-502.2(p) only applies to child support PAID, not received by the HH.

--Client also argues that 63-502.2(j) & ACL 97-44 - child support collected in a month when the CF HH is not on aid, but paid to the HH when they are on aid can be treated as a resource. However, in the situation above, the child support is COLLECTED in the current month.

--Client argues that the child support is a reimbursement. CWD contests that 63-502.148 Reimbursements which are intended to cover living expenses are under the category of Unearned income.

### 11. STATE POLICY RESPONSE (CFPB USE ONLY):

Child support payments (including arrears) received by the household are considered unearned income. Per MPP 63-502.144 - unearned income shall include support payments made directly to the household from non-household members.

### FOR CDSS USE

DATE RECEIVED:

DATE RESPONDED TO COUNTY/ALJ:

AB 2/14/2014